

Kevin Diaz, OSB No. 970480  
Email: kdiaz@aclu-or.org  
**ACLU Foundation of Oregon**  
PO Box 40585  
Portland, OR 97240  
Tel.: (503) 227-6928; Fax: (503) 227-6948

Nathan Freed Wessler (*pro hac vice*)  
Email: nwessler@aclu.org  
Ben Wizner (*pro hac vice*)  
Email: bwizner@aclu.org  
**American Civil Liberties Union Foundation**  
125 Broad Street, 18th Floor  
New York, NY 10004  
Tel.: (212) 549-2500; Fax: (212) 549-2654

Attorneys for the Plaintiffs-Intervenors

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORLTAND DIVISION**

**OREGON PRESCRIPTION DRUG  
MONITORING PROGRAM**, an agency of  
the **STATE OF OREGON**,

Plaintiff,

v.

**UNITED STATES DRUG  
ENFORCEMENT ADMINISTRATION**,  
an agency of the **UNITED STATES  
DEPARTMENT OF JUSTICE**,

Defendant.

Case No.: 3:12-cv-02023-HA

**DECLARATION OF  
NATHAN FREED WESSLER  
IN SUPPORT OF PLAINTIFFS-  
INTERVENORS' MOTION FOR  
SUMMARY JUDGMENT**

**JOHN DOE 1, et al.,**

Plaintiffs-Intervenors,

v.

**UNITED STATES DRUG  
ENFORCEMENT ADMINISTRATION,  
an agency of the UNITED STATES  
DEPARTMENT OF JUSTICE,**

Defendant in Intervention.

I, Nathan Freed Wessler, hereby declare and state as follows:

1. I am counsel for Plaintiffs-Intervenors in the above-captioned case. I make this declaration in support of Plaintiffs-Intervenors' Motion for Summary Judgment.

2. Attached hereto are true and correct copies of the following:

<u>Document</u>	<u>Exhibit</u>
Oregon Health Authority, Frequently Asked Questions, <a href="http://www.orpdmp.com/faq.html">http://www.orpdmp.com/faq.html</a> .....A	
Oregon Health Authority, Oregon Prescription Drug Monitoring Program (2012), <a href="http://www.orpdmp.com/orpdmpfiles/PDF_Files/PDMP-fact-sheet_2012_v1.0.pdf">http://www.orpdmp.com/orpdmpfiles/PDF_Files/PDMP-fact-sheet_2012_v1.0.pdf</a> .....B	
S.B. 355, A-Engrossed, 75th Leg. Assembly (Or. 2009), <i>available at</i> <a href="http://www.leg.state.or.us/09reg/measpdf/sb0300.dir/sb0355.a.pdf">http://www.leg.state.or.us/09reg/measpdf/sb0300.dir/sb0355.a.pdf</a> .....C	
Office of Diversion Control, Drug Enforcement Administration, Controlled Substances by CSA Schedule (May 28, 2013), <i>available at</i> <a href="http://www.deadiversion.usdoj.gov/schedules/orangebook/e_cs_sched.pdf">http://www.deadiversion.usdoj.gov/schedules/orangebook/e_cs_sched.pdf</a> .....D	
Drug Summary: Adderall (amphetamine salt combo), PDR.net, <i>available at</i> <a href="http://www.pdr.net/drug-summary/adderall?druglabelid=1048&amp;id=1400">http://www.pdr.net/drug-summary/adderall?druglabelid=1048&amp;id=1400</a> .....E	
Drug Summary: Ambien (zolpidem tartrate), PDR.net, <i>available at</i> <a href="http://www.pdr.net/drug-summary/ambien?druglabelid=2515&amp;id=1376">http://www.pdr.net/drug-summary/ambien?druglabelid=2515&amp;id=1376</a> .....F	
Drug Summary: Andro (methyltestosterone), PDR.net, <i>available at</i> <a href="http://www.pdr.net/drug-summary/android?druglabelid=2837">http://www.pdr.net/drug-summary/android?druglabelid=2837</a> .....G	

- Drug Summary: Lorazepam (Ativan), PDR.net, *available at* <http://www.pdr.net/drug-summary/lorazepam?druglabelid=2668>.....H
- Drug Summary: Cesamet (nabilone), PDR.net, *available at* <http://www.pdr.net/drug-summary/cesamet?druglabelid=692> .....I
- Drug Summary: Clonazepam (Klonopin), PDR.net, *available at* <http://www.pdr.net/drug-summary/clonazepam-tablets?druglabelid=2386> .....J
- Drug Summary: Codeine Sulfate, PDR.net, *available at* <http://www.pdr.net/drug-summary/codeine-sulfate-tablets?druglabelid=2672> .....K
- Drug Summary: Depo-Testosterone (testosterone cypionate; Androgen), PDR.net, *available at* <http://pdr.net/drug-summary/depo-testosterone?druglabelid=1870&id=1634> .....L
- Drug Summary: Didrex (benzphetamine hcl), PDR.net, *available at* <http://pdr.net/drug-summary/didrex?druglabelid=1871> .....M
- Drug Summary: Librium (chlordiazepoxide hcl), PDR.net, *available at* <http://pdr.net/drug-summary/librium?druglabelid=2717>.....N
- Drug Summary: Lunesta (eszopiclone), PDR.net, *available at* <http://pdr.net/drug-summary/lunesta?druglabelid=2082> .....O
- Drug Summary: Marinol (dronabinol), PDR.net, *available at* <http://pdr.net/drug-summary/marinol?druglabelid=2726> .....P
- Drug Summary: Meperidine (Demerol), PDR.net, *available at* <http://pdr.net/drug-summary/demerol-tablets?druglabelid=2873> .....Q
- Drug Summary: Methadose Oral Tablets (methadone hydrochloride), PDR.net, *available at* <http://pdr.net/drug-summary/methadose-oral-tablets?druglabelid=762> .....R
- Drug Summary: Morphine (morphine sulfate), PDR.net, *available at* <http://pdr.net/drug-summary/morphine-sulfate-tablets?druglabelid=1520> .....S
- Drug Summary: Nembutal, (pentobarbital sodium), PDR.net, *available at* <http://pdr.net/drug-summary/nembutal?druglabelid=2052> .....T
- Drug Summary: Onfi (clobazam), PDR.net, *available at* <http://pdr.net/drug-summary/onfi?druglabelid=295> .....U
- Drug Summary: OxyContin (oxycodone hcl), PDR.net, *available at* <http://pdr.net/drug-summary/oxycontin?druglabelid=492> .....V
- Drug Summary: Provigil (modafinil), PDR.net, *available at* <http://pdr.net/drug-summary/provigil?druglabelid=2332> .....W
- Drug Summary: Restoril (temazepam), PDR.net, *available at* <http://pdr.net/drug-summary/restoril?druglabelid=793> .....X

Drug Summary: Ritalin (methylphenidate hcl), PDR.net, <i>available at</i> <a href="http://pdr.net/drug-summary/ritalin?druglabelid=1989">http://pdr.net/drug-summary/ritalin?druglabelid=1989</a> .....	Y
Drug Summary: Sonata (zaleplon), PDR.net, <i>available at</i> <a href="http://pdr.net/drug-summary/sonata?druglabelid=1491">http://pdr.net/drug-summary/sonata?druglabelid=1491</a> .....	Z
Drug Summary: Stadol NS (butorphanol tartrate), PDR.net, <i>available at</i> <a href="http://pdr.net/drug-summary/stadol-ns?druglabelid=917">http://pdr.net/drug-summary/stadol-ns?druglabelid=917</a> .....	AA
Drug Summary: Valium (diazepam), PDR.net, <i>available at</i> <a href="http://pdr.net/drug-summary/valium?druglabelid=2100">http://pdr.net/drug-summary/valium?druglabelid=2100</a> .....	BB
Drug Summary: Vicodin (acetaminophen, hydrocodone bitartrate), PDR.net, <i>available at</i> <a href="http://pdr.net/drug-summary/vicodin?druglabelid=33">http://pdr.net/drug-summary/vicodin?druglabelid=33</a> .....	CC
Drug Summary: Vyvanse (lisdexamfetamine dimesylate), PDR.net, <i>available at</i> <a href="http://pdr.net/drug-summary/vyvanse?druglabelid=538">http://pdr.net/drug-summary/vyvanse?druglabelid=538</a> .....	DD
Drug Summary: Xanax (alprazolam), PDR.net, <i>available at</i> <a href="http://pdr.net/drug-summary/xanax?druglabelid=1873">http://pdr.net/drug-summary/xanax?druglabelid=1873</a> .....	EE
Drug Summary: Xyrem (sodium oxybate), PDR.net, <i>available at</i> <a href="http://pdr.net/drug-summary/xyrem?druglabelid=281">http://pdr.net/drug-summary/xyrem?druglabelid=281</a> .....	FF
Oregon Health Authority, Data Requests, <a href="http://www.orpdmp.com/data-requests/">http://www.orpdmp.com/data-requests/</a> .....	GG
Oregon Health Authority, Law Enforcement, <a href="http://www.orpdmp.com/law-enforcement/">http://www.orpdmp.com/law-enforcement/</a> .....	HH
Petition to Enforce DEA Administrative Subpoena, <i>United States v. State of Oregon Prescription Drug Monitoring Program</i> , No. 12-MC-298 (D. Or. Aug. 24, 2012) .....	II
Declaration of Lori A. Cassity In Support of Petition to Enforce DEA Administrative Subpoena, <i>United States v. State of Oregon Prescription Drug Monitoring Program</i> , No. 12-MC-298 (D. Or. Aug. 24, 2012) .....	JJ
Memorandum in Support of Petition to Enforce DEA Administrative Subpoena, <i>United States v. State of Oregon Prescription Drug Monitoring Program</i> , No. 12-MC-298 (D. Or. Aug. 24, 2012) .....	KK
Declaration of Tyler D. Warner in Support of Petition to Enforce DEA Administrative Subpoena, <i>United States v. State of Oregon Prescription Drug Monitoring Program</i> , No. 12-MC-298 (D. Or. Aug. 24, 2012) .....	LL
Order to Enforce DEA Administrative Subpoena, <i>United States v. State of Oregon Prescription Drug Monitoring Program</i> , 12-MC-298 (D. Or. Aug. 27, 2012) .....	MM
New London Consulting & FairWarning, How Privacy Considerations Drive Patient Decisions and Impact Patient Care Outcomes (Sept. 13, 2011), <i>available at</i> <a href="http://www.fairwarning.com/whitepapers/2011-09-WP-US-PATIENT-SURVEY.pdf">http://www.fairwarning.com/whitepapers/2011-09-WP-US-PATIENT-SURVEY.pdf</a> .....	NN

- Patient Privacy Rights & Zogby International, 2000 Adults' Views on Privacy, Access to Health Information, and Health Information Technology (2010), <http://patientprivacyrights.org/wp-content/uploads/2010/11/Zogby-Result-Illustrations.pdf> .....OO
- Institute for Health Freedom & Gallup Organization, Public Attitudes Toward Medical Privacy (Sept. 26, 2000), <http://www.forhealthfreedom.org/Gallupsurvey/IHF-Gallup.pdf> .....PP
- Jaime M. Grant et al., Injustice at Every Turn: A Report of the National Transgender Discrimination Survey (Executive Summary) (2011), *available at* [http://www.thetaskforce.org/downloads/reports/reports/ntds\\_full.pdf](http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf) .....QQ

Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



\_\_\_\_\_  
Nathan Freed Wessler

Dated: July 1st, 2013